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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/632,162 | 07/30/2003 | Patrick Schmitt | 10191/3117 | 1902 |
| 26646 | 7590 | 09/07/2006 | EXAMINER A. MINH D | |
| KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004 | | | ART UNIT 2821 | PAPER NUMBER |

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/632,162 | SCHMITT ET AL. | |
| | Examiner | Art Unit | |
| | Minh D A | 2821 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 June 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 11-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Applicant 's communication filed on 6/16/06 has been carefully considered by the examiner. The arguments advanced therein are persuasive with respect to the rejection of record, and those rejection are accordingly withdraw. In view of a further consideration, however, a new rejection is set forth below. This action is not made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2-9, 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lynam (US 6,250,148).

Regarding claims 5 and 14, Lynam discloses a rain sensor mount for use in a vehicle comprising: a sensor element (a detecting surface (22 and 24)) for detecting at least infrared radiation; a filter element (17-18) adapted such that substantially only infrared radiation is detectable by the sensor element(a detecting surface (124)); and a rain sensor(122) including a light-conducting element, the light-conducting element(118) being substantially only transparent with respect to infrared radiation and being used as a filter element(17-18). See figures 1-4B, col.6, lines 6-67 to col.12, lines 1-65.

Regarding claim 2, Lynam discloses the rain sensor mounting button (117) and hosing (114) and button (135) for switching lighting equipment for a motor vehicle.

Regarding claim 3., Lynam discloses the sensor element (24 and 22) for emitting a signal, and further comprising a control device (electronic circuitry) for generating an electrical signal as a function of the signal. See col.6, lines 5-67.

Regarding claim 4, Lynam discloses the filter element (17and 18) is attachable to a windshield (12).

Regarding claim 6, Lynam disclose a layer (18) that is substantially only transparent with respect to infrared radiation, the layer(18) being situated on at least a part of a surface of the light-conducting element. See figures 1-2.

Regarding claims 7-8, Lynam discloses the layer(18) is elastic and the layer is adhesive. See col.6 lines 5-20.

Regarding claims 9, 11, Lynam discloses the filter element(17-18) is integrated into the sensor element. See figures 1-2.

Regarding claims 12-13, Lynam discloses a control device configured to control the switching element and the filter element is attachable to a glass pane of the motor vehicle. See figures 1-3.

Regarding claim 14, Lynam discloses a sensor element(22 and 24) configured to detect at least infrared radiation; a filter element positioned between a source of the at least infrared radiation and the sensor element configured to filter non-infrared radiation; and a rain sensor including a light-conducting element, the light-conducting

element only transparent with respect to infrared radiation and configured to filter the at least infrared radiation. See figures 1-4B, col.6, lines 6-67 to col.12, lines 1-65.

Regarding claim 15, Lynam discloses a layer(18) that is only transparent with respect to infrared radiation, the layer being situated on at least a part of a surface of the light-conducting element. See figures 1-3.

Regarding claims 16 and 17, Lynam discloses the layer is elastic and the layer is adhesive. See col.6 lines 5-20.

Regarding claim 18, Lynam discloses the filter element is integrated into the sensor element. See figures 1-3.

Citation of relevant prior art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams (US 3, 870, 884) and Neilson et al (US 2002/0098592) are cited to show an infrared detector device.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 AM-2:45 PM).I./

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TUYET VO
PRIMARY EXAMINER

Examiner

Minh A

Art Unit 2821

8/12/06